



ATTORNEY DOCKET NO. 53074-025
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tetsuzo UEDA

Serial No.: 09/904,129

Filed: July 11, 2001

For: BUFFER LAYER AND GROWTH METHOD FOR SUBSEQUENT
EPITAXIAL GROWTH OF III-V NITRIDE SEMICONDUCTORS

) Group Art Unit: 1775

) Examiner: STEPHEN J. STEIN

ELECTION UNDER 35 U.S.C. § 121

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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TC 1700

In response to the restriction requirement set forth in the Office Action mailed July 1, 2002, having a shortened statutory period for response set to expire August 1, 2002, wherein the Examiner required restriction between Group I - claims 1-15, drawn to an epitaxial wafer and Group II - claims 16-43, drawn to a epitaxial growth method, Applicant elects without traverse Group II, claims 16-43 for initial prosecution on the merits. Please cancel claims 1-15 without prejudice.

Applicant also reserves the right to file a Divisional Application for the non-elected claims 1-15, which the Examiner has indicated is patentably distinct.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. The

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Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: 8/1/92

By:


Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W. , Suite 1200
Washington, D.C. 20005-3096
Telephone: 202-756-8000
Facsimile: 202-756-8087

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